

|  |  |  |   |                           |   |
|--|--|--|---|---------------------------|---|
| <b>FORM B1</b>   |  | <b>United States Bankruptcy Court</b>  |   | <b>Voluntary Petition</b> |   |
| <b>Northern District of Illinois</b>   |  | <b>Eastern Division</b>  |   |                           |   |
| Name of Debtor (if individual, enter Last, First, Middle):<br><b>MAL FOODS, ILLINOIS LLC</b>   |  | Name of Joint Debtor (Spouse)(Last, First, Middle):  |   |                           |   |
| All Other Names used by the Debtor in the last 6 years (include married, maiden, and trade names):   |  | All Other Names used by the Joint Debtor in the last 6 years (include married, maiden, and trade names): |   |                           |   |
| Last four digits of Soc. Sec. No. / Complete EIN or other Tax I.D. No. (if more than one, state all):<br><b>36-0062733</b>   |  | Last four digits of Soc. Sec. No. / Complete EIN or other Tax I.D. No. (if more than one, state all):    |   |                           |   |
| Street Address of Debtor (No. & Street, City, State & Zip Code):<br><b>20 S. Route 45<br/>Suite 1D<br/>Frankfort, IL 60423</b>   |  | Street Address of Joint Debtor (No. & Street, City, State & Zip Code):                                   |   |                           |   |
| County of Residence or of the Principal Place of Business: <b>Will</b>   |  | County of Residence or of the Principal Place of Business:   |   |                           |   |
| Mailing Address of Debtor (if different from street address):  |  | Mailing Address of Joint Debtor (if different from street address):                                      |   |                           |   |
| Location of Principal Assets of Business Debtor (if different from street address above):  |  | <b>1022 East 9th Street<br/>Lockport, IL 60441</b>   |   |                           |   |
| <b>Information Regarding the Debtor (Check the Applicable Boxes)</b>   |  |  |   |                           |   |
| <b>Venue (Check any applicable box)</b>  |  |  |   |                           |   |
| <input checked="" type="checkbox"/> Debtor has been domiciled or has had a residence, principal place of business, or principal assets in this District for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other District. |  |  |   |                           |   |
| <input type="checkbox"/> There is a bankruptcy case concerning debtor's affiliate, general partner, or partnership pending in this District.   |  |  |   |                           |   |
| <b>Type of Debtor (Check all boxes that apply)</b>   |  |  | <b>Chapter or Section of Bankruptcy Code Under Which the Petition is Filed (Check one box)</b>  |                           |   |
| <input type="checkbox"/> Individual(s)<br><input type="checkbox"/> Corporation<br><input type="checkbox"/> Partnership<br><input checked="" type="checkbox"/> Other <b>Limited Liability Company</b>   |  |  | <input type="checkbox"/> Chapter 7<br><input type="checkbox"/> Chapter 9<br><input type="checkbox"/> Sec. 304 - Case ancillary to foreign proceeding  |                           |   |
| <input type="checkbox"/> Railroad<br><input type="checkbox"/> Stockbroker<br><input type="checkbox"/> Commodity Broker<br><input type="checkbox"/> Clearing Bank   |  |  | <input checked="" type="checkbox"/> Chapter 11<br><input type="checkbox"/> Chapter 12<br><input type="checkbox"/> Chapter 13  |                           |   |
| <b>Nature of Debts (Check one box)</b>   |  |  | <b>Filing Fee (Check one box)</b>   |                           |   |
| <input type="checkbox"/> Consumer/Non-Business<br><input checked="" type="checkbox"/> Business   |  |  | <input checked="" type="checkbox"/> Full Filing Fee Attached  |                           |   |
| <b>Chapter 11 Small Business (Check all boxes that apply)</b>  |  |  | <input type="checkbox"/> Filing Fee to be paid in installments (Applicable to individuals only)<br>Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments.<br>Rule 1006(b). See Official Form No. 3. |                           |   |
| <input type="checkbox"/> Debtor is a small business as defined in 11 U.S.C. § 101  |  |  |   |                           |   |
| <input type="checkbox"/> Debtor is and elects to be considered a small business under 11 U.S.C. § 1121(e) (Optional)   |  |  |   |                           |   |
| <b>Statistical/Administrative Information (Estimates only)</b>   |  |  |   |                           | <b>THIS SPACE IS FOR COURT USE ONLY</b> |
| <input type="checkbox"/> Debtor estimates that funds will be available for distribution to unsecured creditors.  |  |  |   |                           |   |
| <input checked="" type="checkbox"/> Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors.   |  |  |   |                           |   |
| <b>Estimated Number of Creditors</b>   |  |  |   |                           |   |
| 1-15      16-49      50-99      100-199      200-999      1000-over  |  |  |   |                           |   |
| <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>   |  |  |   |                           |   |
| <b>Estimated Assets</b>  |  |  |   |                           |   |
| \$0 to \$50,000      \$50,001 to \$100,000      \$100,001 to \$500,000      \$500,001 to \$1 million      \$1,000,001 to \$10 million      \$10,000,001 to \$50 million      \$50,000,001 to \$100 million      More than \$100 million  |  |  |   |                           |   |
| <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>   |  |  |   |                           |   |
| <b>Estimated Debts</b>   |  |  |   |                           |   |
| \$0 to \$50,000      \$50,001 to \$100,000      \$100,001 to \$500,000      \$500,001 to \$1 million      \$1,000,001 to \$10 million      \$10,000,001 to \$50 million      \$50,000,001 to \$100 million      More than \$100 million  |  |  |   |                           |   |
| <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>   |  |  |   |                           |   |

**Voluntary Petition**

(This page must be completed and filed in every case)

Name of Debtor(s): **MAL FOODS ILLINOIS, LLC****Prior Bankruptcy Case Filed Within Last 6 Years (If more than one, attach additional sheet)**Location  
Where Filed: **NONE**

Case Number:

Date Filed:

**Pending Bankruptcy Case Filed by any Spouse, Partner or Affiliate of this Debtor (If more than one, attach additional sheet)**Name of Debtor:  
**Mal Foods, Inc.**Case Number:  
**05-60127-jpk**Date Filed:  
**1/10/2005**District:  
**Northern District of Indiana Hammond Division**Relationship:  
**Affiliated Company**Judge:  
**J. Philip Klingeberger****Signatures****Signature(s) of Debtor(s) (Individual/Joint)**

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12 or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7. I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

☒ **Not Applicable**

Signature of Debtor

☒ **Not Applicable**

Signature of Joint Debtor

Telephone Number (If not represented by attorney)

Date

☒

Signature of Attorney

Signature of Attorney for Debtor(s)

**Chester H. Foster, Jr.,**

Printed Name of Attorney for Debtor(s) / Bar No.

**FOSTER & KALLEN**

Firm Name

**3825 W. 192nd Street**

Address

**Homewood, IL 60430****1-708-799-6300****1-708-799-6339**

Telephone Number

**2/16/05**

Date

**Signature of Debtor (Corporation/Partnership)**

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

☒

Signature of Authorized Individual

**Edward Gbolahan Labinjo**

Printed Name of Authorized Individual

**Managing Member**

Title of Authorized Individual

**2/16/05**

Date

**Exhibit A**

(To be completed if debtor is required to file periodic reports (e.g., forms 10K and 10Q) with the Securities and Exchange Commission pursuant to Section 13 or 15(d) of the Securities Exchange Act of 1934 and is requesting relief under chapter 11)

☐ Exhibit A is attached and made a part of this petition.**Exhibit B**

(To be completed if debtor is an individual whose debts are primarily consumer debts)

I, the attorney for the petitioner named in the foregoing petition, declare that I have informed the petitioner that [he or she] may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, and have explained the relief available under each such chapter.

☒ **Not Applicable**

Signature of Attorney for Debtor(s)

Date

**Exhibit C**

Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety?

☐ Yes, and Exhibit C is attached and made a part of this petition.☒ No**Signature of Non-Attorney Petition Preparer**

I certify that I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110, that I prepared this document for compensation, and that I have provided the debtor with a copy of this document.

**Not Applicable**

Printed Name of Bankruptcy Petition Preparer

Social Security Number (Required by 11 U.S.C. § 110(c).)

Address

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

☒ **Not Applicable**

Signature of Bankruptcy Petition Preparer

Date

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

Official Form 4  
11/92

**United States Bankruptcy Court**  
**Northern District of Illinois**  
**Eastern Division**

In re **MAL FOODS ILLINOIS, LLC**

Debtor

Case No. \_\_\_\_\_

Chapter **11**

**List Of Creditors Holding 20 Largest Unsecured Claims**

| (1)<br><i>Name of creditor<br/>and complete<br/>mailing address<br/>including zip<br/>code</i>               | (2)<br><i>Name, telephone number and<br/>complete mailing address,<br/>including zip code, of<br/>employee, agent, or department<br/>of creditor familiar with<br/>claim who may be contacted</i> | (3)<br><i>Nature of claim<br/>(trade debt,<br/>bank loan, gov-<br/>ernment contract,<br/>etc.)</i> | (4)<br><i>Indicate if claim<br/>is contingent,<br/>unliquidated,<br/>disputed or<br/>subject to setoff</i> | (5)<br><i>Amount of claim<br/>[if secured also<br/>state value of<br/>security]</i> |
|--|---|--|--|---|
| <b>Princeton Builders</b><br><b>17324 Queen Anne Lane</b><br><b>Tinley Park, IL 60477</b>                    | <b>Princeton Builders</b><br><b>17324 Queen Anne Lane</b><br><b>Tinley Park, IL 60477</b>   |  |  | <b>\$322,000.00</b>   |
| <b>AFC Enterprises</b><br><b>6 Concourse Pkwy</b><br><b>Suite1700</b><br><b>Atlanta, GA 30728</b>            | <b>AFC Enterprises</b><br><b>6 Concourse Pkwy</b><br><b>Suite1700</b><br><b>Atlanta, GA 30728</b>   |  |  | <b>\$38,000.00</b>  |
| <b>Tom Buchar &amp; Associates</b><br><b>722 Essington Road</b><br><b>Suite D</b><br><b>Joliet, IL 60435</b> | <b>Tom Buchar</b><br><br><b>Tom Buchar &amp; Associates</b><br><b>722 Essington Road</b><br><b>Suite D</b><br><b>Joliet, IL 60435</b>   |  |  | <b>\$9,750.00</b>   |
| <b>Muzak</b><br><b>655 W. Grand Ave,</b><br><b>Site 250</b><br><b>Elmhurst, IL 60126</b>                     | <b>Muzak</b><br><b>655 W. Grand Ave,</b><br><b>Site 250</b><br><b>Elmhurst, IL 60126</b>  |  |  | <b>\$9,256.00</b>   |
| <b>Prism Data Systems</b><br><b>16108 University Oak</b><br><b>San Antonio, TX 78249</b>                     | <b>(210) 479-8848</b><br><b>Prism Data Systems</b><br><b>16108 University Oak</b><br><b>San Antonio, TX 78249</b>   |  |  | <b>\$2,040.00</b>   |

In re **MAL FOODS ILLINOIS, LLC**

Debtor

Case No. \_\_\_\_\_

Chapter **11**

## List Of Creditors Holding 20 Largest Unsecured Claims

| (1)   | (2)  | (3)   | (4)   | (5)  |
|---|--|---|---|--|
| <i>Name of creditor and complete mailing address including zip code</i> | <i>Name, telephone number and complete mailing address, including zip code, of employee, agent, or department of creditor familiar with claim who may be contacted</i> | <i>Nature of claim (trade debt, bank loan, government contract, etc.)</i> | <i>Indicate if claim is contingent, unliquidated, disputed or subject to setoff</i> | <i>Amount of claim [if secured also state value of security]</i> |

### DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF A CORPORATION OR PARTNERSHIP

I, Edward Gbolahan Labinjo, Managing Member of the Corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing list and that it is true and correct to the best of my information and belief.

Date: \_\_\_\_\_

2/16/05.

Signature: \_\_\_\_\_



**Edward Gbolahan Labinjo, Managing Member**

(Print Name and Title)

Chester H. Foster, Jr.  
FOSTER & KALLEN  
3825 W. 192nd Street

Homewood, IL 60430

1-708-799-6300  
Attorney for the Petitioner(s)

## UNITED STATES BANKRUPTCY COURT

Northern District of Illinois

Eastern Division

In Re:

Debtor: **MAL FOODS ILLINOIS, LLC**  
Social Security Number: **36-0062733**

Case No:

Chapter **11**

Numbered Listing of Creditors

| Creditor name and mailing address |   | Category of Claim       | Amount of Claim       |
|-----------------------------------|---|-------------------------|-----------------------|
| 1.                                | <b>AFC Enterprises<br/>6 Concourse Pkwy<br/>Suite1700<br/>Atlanta, GA 30728</b>   | <b>Unsecured Claims</b> | <b>\$ 38,000.00</b>   |
| 2.                                | <b>GE Commercial Business<br/>Property Corporation<br/>10900 N.E. 4th Street<br/>Suite 500<br/>Bellevue, WA 98004</b>         | <b>Secured Claims</b>   | <b>\$1,000,000.00</b> |
| 3.                                | <b>GE Commercial Business Property Corporat<br/>10900 N.E. 4th Street<br/>Suite 500<br/>Bellevue, WA 98004</b>                | <b>Secured Claims</b>   | <b>\$ 475,000.00</b>  |
| 4.                                | <b>Illinois Dept of Revenue<br/>Bankruptcy Section<br/>Level 7-425<br/>100 W. Randolph Street<br/>Chicago, Illinois 60601</b> | <b>Priority Claims</b>  | <b>\$ 60,000.00</b>   |
| 5.                                | <b>Kurt A. Winiecki<br/>DLA Piper Rudnick Gray ....<br/>203 N. LaSalle Street<br/>Suite 1800<br/>Chicago, IL 60601-1293</b>   | <b>Secured Claims</b>   | <b>\$ 0.00</b>        |

In re: **MAL FOODS ILLINOIS, LLC**

Case No. \_\_\_\_\_

|     |  |                         |                      |
|-----|--|-------------------------|----------------------|
| 6.  | <b>Muzak<br/>655 W. Grand Ave,<br/>Site 250<br/>Elmhurst, IL 60126</b>                     | <b>Unsecured Claims</b> | <b>\$ 9,256.00</b>   |
| 7.  | <b>Princeton Builders<br/>17324 Queen Anne Lane<br/>Tinley Park, IL 60477</b>              | <b>Unsecured Claims</b> | <b>\$ 322,000.00</b> |
| 8.  | <b>Prism Data Systems<br/>16108 University Oak<br/>San Antonio, TX 78249</b>               | <b>Unsecured Claims</b> | <b>\$ 2,040.00</b>   |
| 9.  | <b>Ralph Weiner &amp; Associates<br/>9600 Capitol Drive<br/>Wheeling, IL 60097200</b>      | <b>Unsecured Claims</b> | <b>\$ 0.00</b>       |
| 10. | <b>Tom Buchar &amp; Associates<br/>722 Essington Road<br/>Suite D<br/>Joliet, IL 60435</b> | <b>Unsecured Claims</b> | <b>\$ 9,750.00</b>   |
| 11. | <b>Will County Treasurer<br/>302 N. Chicago<br/>Joliet, IL 60432</b>                       | <b>Priority Claims</b>  | <b>\$ 0.00</b>       |

In re: **MAL FOODS ILLINOIS, LLC**

Case No. \_\_\_\_\_

(The penalty for making a false statement or concealing property is a fine up to \$500,000 or imprisonment for up to 5 years or both. 18 U.S.C. secs. 152 and 3571.)

## DECLARATION

I, **MAL FOODS ILLINOIS, LLC**, named as debtor in this case, declare under penalty of perjury that I have have read the foregoing Numbered Listing of Creditors, consisting of **2 sheets** (not including this declaration), and that it is true to the best of my information and belief.

Signature: \_\_\_\_\_

  
**MAL FOODS ILLINOIS, LLC**

Dated: \_\_\_\_\_

2/16/05.

**United States Bankruptcy Court**

**Northern District of Illinois**

**Eastern Division**

In re:

Case No. \_\_\_\_\_

Chapter 11

**MAL FOODS ILLINOIS, LLC**

**STATEMENT REGARDING AUTHORITY TO SIGN AND FILE PETITION**

I, **Edward Gbolahan Labinjo**, declare under penalty of perjury that I am the **Managing Member** of **MAL FOODS ILLINOIS, LLC**, an Illinois LLC, and that on **02/15/2005** the following resolution was duly adopted by the **Managing Member** of this LLC:

"Whereas, it is in the best interest of this LLC to file a voluntary petition in the United States Bankruptcy Court pursuant to Chapter 11 of Title 11 of the United States Code;

Be It Therefore Resolved, that **Edward Gbolahan Labinjo**, **Managing Member** of this LLC, is authorized and directed to execute and deliver all documents necessary to perfect the filing of a Chapter 11 voluntary bankruptcy case on behalf of the LLC; and

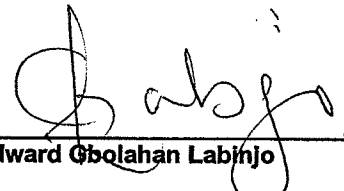
Be It Further Resolved, that **Edward Gbolahan Labinjo**, **Managing Member** of this LLC, is authorized and directed to appear in all bankruptcy proceedings on behalf of the LLC, and to otherwise do and perform all acts and deeds and to execute and deliver all necessary documents on behalf of the LLC in connection with such bankruptcy case; and

Be It Further Resolved, that **Edward Gbolahan Labinjo**, **Managing Member** of this LLC, is authorized and directed to employ **Chester H. Foster, Jr.**, attorney and the law firm of **FOSTER & KALLEN** to represent the LLC in such bankruptcy case."

Executed on:

2/16/05

Signed:

  
\_\_\_\_\_  
**Edward Gbolahan Labinjo**